THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) The matter is being examined.

(b) There is no part (b) of O.M. No. 13017/3/90.O.L.(C), dated the 26th November, 1990 of the Ministry of Home Affairs, Department of Official Language.

Corruption cases against Judges

1572. SHRI SANJAY NIRUPAM: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the cases of corruption against Judges of different courts in the country are increasing;

(b) if so, the details thereof; and

(c) how many cases have been registered against the Judges and Metropolitan Magistrates of different courts of Mumbai in recent years?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) No discussion can take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President Praying for the removal of the Judge as laid down under Article 121 of the Constitution of India.

As regards subordinate judicial services, the administrative control over them vests with the High Court under Article 235 of the Constitution of India.

(c) So far as Judges and Metropolitan Magistrates of different courts in Mumbai are concerned, one Judge presiding over the Family Court, Bombay was trapped by Anti Corruption Bureau while accepting bribe. He was under probation and his services were terminated soon after the said incident. Similarly, one Criminal case was registered against a judge of City Civil and Sessions Court, Bombay for allegedly having links with the underworld. A Departmental Enquiry was initiated against the said Judge after

placing him under suspension. However, subsequently, he was dismissed under article 311 of the Constitution of India.

Status of Employees of three organs of Government

1573. SHRI BANARASI DAS GUPTA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that Government have three main organs i:e., Executive, Parliament and Judiciary;

(b) if so, whether the employees of these organs are Central Government employees; and

(c) if not, the reasons therefore?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) Executive, Parliament (Legislature) and Judiciary are three wings of the State and not of the Government (the Executive) *vide* State of Bihar *v.* Bihar Distilleries Ltd., [(1997) 2 SCC 453].

(b) and (c) While dealing with the question whether members of the Gujarat Panchayat Service under Gujarat Panchayat Act, 1961 were Government servant or not, the Constitution bench of the Supreme Court in State of Gujarat v. Raman Lil Keshav Lal Soni [(1983) 2 SCC 33] has laid down the following criteria to determine whether an employee is employee of the Government or not:—

"We do not propose and indeed it is neither politic nor possible to lay down any definite test to determine when a person may be said to hold a civil post under the Government. Several factors may indicate the relationship of master and servant. None may be conclusive. On the other hand, no single factor may be considered absolutely essential. The presence of all or some of the factors such as, the right to select for appointment, the right to appoint, the right to terminate the employment, the right to take other disciplinary action, the right to prescribe the conditions of service, the nature of the duties performed by the employee, the right to control the employee's manner and method of the work, the right to issue directions and the